

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Review Staff: 76/0074/1  
19 January 1976

Ms. Jeanne Davis  
National Security Council  
The White House  
Washington, D.C. 20500

Dear Ms. Davis:

Enclosed are two alternative drafts for eventual handling of the records assembled by the Senate and House Select Committees. At Tab A is a modification of the earlier draft prepared in CIA envisioning storage and handling by the National Archives and Records Service (NARS). The underscored portion of Section 1 and all of Section 5 were suggested by the Department of Justice; the underscored portion of Section 3(c) was rephrased to meet a comment made at the last meeting that we held. At Tab B is a draft by NSA on storage there. It is understood that NSC is considering the preparation of one or more drafts for other alternatives for handling the materials.

The reason this communication is being sent out at this time is that the HSC is soon to terminate its investigation, and if we are to influence its decisions on disposition of the records we must act without any delay.

It is requested that you meet with me at 1100 on Wednesday, 21 January, in my conference room at 6D-0120 at the CIA building at Langley. If this is not convenient please advise me by telephone, Government Code  Any further alternative drafts can be distributed prior to that meeting or can be handed out at that time.

STAT

Sincerely,

S. D. Breckinridge  
Chief, Review Staff

Attachments:  
As Stated

STAT



6 January 1976

Resolved, that all records, including books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Select Committee To Study Governmental Operations With Respect To Intelligence Activities, established under Senate Resolution 21 of the 94th Congress, shall be transferred upon the termination of the Select Committee's mandate to the National Archives and Records Service as a trustee for and agent of the Congress, there to be held in secure storage as described below in Section 2, with their use being limited to those persons or organizations authorized in the manner described below in Section 3.

Section 2. All records transferred to the National Archives and Records Service for secure storage by the Senate Select Committee shall be stored in a secure area or areas separate and discrete from all other areas in which records are stored by the National Archives and Records Service. This secure storage shall meet the security specifications designated in Executive Branch standards for appropriate storage of classified and/or unclassified material. The Central Intelligence Agency, acting in behalf of the Executive Branch, will conduct a physical security survey to ensure that the storage facilities meet those standards. National Archives and Records Service personnel with access to the records will be appropriately cleared and briefed for records requiring special clearance.

Section 3. Use of the records transferred by the Senate Select Committee to the National Archives and Records Service shall be limited to persons cleared and briefed for the classifications and controls of the materials involved, and shall be further limited to those persons and members of organizations authorized in the specific manner described below:

Section 3(a). Use of the records containing information originated by the Senate Select Committee shall be limited to (1) current members of the acting, duly established Senate Legislative Oversight Committee or Committees, (2) appropriate staff members of the acting duly established

Senate Legislative Oversight Committee or Committees, as duly authorized by the Chairman of such Committee in writing. Use of such stored records, developed by the Senate Select Committee from the testimony, depositions or affidavits of the employees or of former employees of the various departments, agencies or organizations shall be subject to the requirements of Section 3(b), below, as though furnished by them.

Section 3(b). Records furnished or information provided to the Senate Select Committee shall be available for use by persons, agencies, departments, or organization, or by congressional committees or bodies other than the duly designated Senate Legislative Oversight Committee or Committees, only with the prior concurrence of the originating department, agency, organization, or its successor.

Section 3(c). Any requests for records or information delivered to the National Archives and Records Service by the Senate Select Committee under this Resolution, other than requests from the duly established Senate Legislative Oversight Committee or Committees (as provided in Section 3(a), supra) shall be made in writing by a representative designated by the department, agency or organization that originated said information. The designated official shall be responsible for ensuring that the requestor has the proper clearances or approvals necessary for access to the requested materials.

Section 4. Eventual downgrading or declassification of classified records transferred by the Senate Select Committee to the National Archives and Records Service shall be carried out by the originating departments, agencies and organizations, or their successors, in accordance with applicable statutes and Executive Orders.

Section 5. Should any request under the authority of 5 U.S.C Section 552 be received for records held by the National Archives and Records Service hereunder, the National Archives and Records Service shall advise any person making such request that the records are not subject to the provisions of 5 U.S.C. Section 552.



Resolved, that all records, including books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Select Committee to Study Governmental Operations With Respect to Intelligence Activities, established under Senate Resolution 21 of the 94th Congress, shall be transferred upon the termination of the Select Committee's mandate to the National Security Agency, there to be held in secure storage as described below in Section 2, with their use being limited to those persons or organizations authorized in the manner described below in Section 3.

Section 2. All records transferred to the National Security Agency for secure storage by the Senate Select Committee shall be stored in a secure area or areas separate and discrete from all other areas in which records are stored by the National Security Agency. This secure storage shall meet the security specifications designated in Executive Branch standards for appropriate storage of classified and/or unclassified material. The National Security Agency personnel with access to the records will be appropriately cleared and briefed for records requiring special clearance.

Section 3. Use of the records transferred by the Senate Select Committee to the National Security Agency shall be limited to persons cleared and briefed for the classifications and controls of the materials involved, and shall be further limited to those persons and members of organizations authorized in the specific manner described below:

Section 3(a). Use of the records containing information originated by the Senate Select Committee shall be limited to (1) current members of the acting, duly established Senate Legislative Oversight Committee or Committees, (2) appropriate staff members of the acting duly established Senate Legislative Oversight Committee or Committees, as duly authorized by the Chairman of such Committee in writing. Use of such stored records, developed by the Senate Select Committee from the testimony, depositions or affidavits of the employees or of former employees of the various departments, agencies or organizations shall be subject to the requirements of Section 3(b), below, as though furnished by them.

Section 3(b). Records furnished or information provided to the Senate Select Committee shall be available for use by persons, agencies, departments, or organization, or by congressional committees or bodies other than the duly designated Senate Legislative Oversight Committee or Committees, only with the prior concurrence of the originating department, agency, organization, or its successor.

Section 3(c). Any requests for records or information delivered to the National Security Agency by the Senate Select Committee under this Resolution, other than requests from the duly established Senate Legislative Oversight Committee or Committees (as provided in Section 3(a), supra) shall be made in writing by a representative designated by the department, agency or organization that originated said information. The designated official shall be responsible for ensuring that the proper clearances exist for the requestor.

Section 3(d). The records shall be treated as legislative records for all purposes relating to their availability in litigation or upon request by any person pursuant to law.

Section 4. Eventual downgrading or declassification of classified records transferred by the Senate Select Committee to the National Security Agency shall be carried out by the originating departments, agencies and organizations, or their successors, in accordance with applicable statutes and Executive Orders.